

GISKAN SOLOTAROFF ANDERSON & STEWART LLP

Attorneys at Law

Oren Giskan
ogiskan@gslawny.com
Direct: (646) 964-9644
Fax: (646) 520-3237

September 11, 2013

VIA ELECTRONIC MAIL

The Hon. Denise L. Cote
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007
CoteNYSDChambers@nysd.uscourts.gov

Re: James et al. v. Penguin Group (USA) Inc., et al., No. 13-cv-02801 (DLC)

Your Honor:

I represent the Plaintiffs in the above-referenced matter. I write, pursuant to the Court's order of September 5, 2013, to inform the Court that Plaintiffs intend to file a Second Amended Complaint in lieu of opposing the pending motion to dismiss. The parties have agreed, subject to the Court's approval on the following schedule:

Plaintiffs to file their Second Amended Complaint	September 27, 2013
Defendants to file motion to dismiss	November 1, 2013
Plaintiffs' opposition to motion to dismiss	November 27, 2013
Defendants' reply in support of motion to dismiss	December 18, 2013

The parties further request that the Initial Pretrial Conference scheduled for September 13, 2013 be adjourned until October 11th or 18th.

Respectfully yours,

s/
Oren S. Giskan

cc: Jonathan Herman, Esq. (via email)